IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO. 150 OF 2002

IN

COMPANY PETITION NO. 68 OF 2001

Mukesh Jayantilal Sangani ... Petitioner

Vs.

Viacom Electronics Ltd. .... Respondents

Ms. Kiran Doiphode i/by Shah & Sanghavi

for the applicant/petitoner in support.

CORAM : S.U. KAMDAR, J.

DATE : 28TH JANUARY, 2005.

P.C.

1. Affidavit dated 28.1.2005 filed by Mr. Mukesh Jayantilal Sangani is taken on record. The present application has been taken out for seeking orders that the Official Liquidator should be appointed as the provisional liquidator in respect of the assets of the company of its movable and immovable assets. In the affidavit in support of this application, except the averments in paragraph 3 that there is an apprehension that the assets will

be disposed of and that the salary is not paid for more than three months, there is no averments in respect of the present application. This application was moved for ad-interim orders before the learned Single Judge on 27.8.2004. By the said order the learned Single Judge granted an order in terms of prayer clauses (a), (b) and (c). At the time of obtaining the said order, a statement was made that the company has been served however it so transpired that the company was not served and, therefore, by an order dated 3.9.2004, the order dated 27.8.2004 has ben recalled.

2. The present application was on Board before me on 20.1.2005 and again yesterday i.e. on 27.1.2005. Even till date the application is not served on the respondent company. Today affidavit has been filed seeking further time to serve the respondent company. Once again vague averments are made that the company is likely to dispose of the said assets. In view of the fact that the application for orders is applied as far back as on 13.2.2002 and averments made in the affidavit are also of March, 2002, till date there is no order in favour of the petitioner protecting the said assets of the company. Three orders being passed, application is not served on the respondent company. In view thereof, application dismissed. No order as to costs.